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**MEMORANDUM**

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DATE: October 2, 2003

TO: Council Member Schiff, Chair, Zoning & Planning Committee  
Members of the Zoning & Planning Committee

FROM: Jason Wittenberg

SUBJECT: 1800 Chicago Avenue & 1909 Columbus Avenue

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Mark Lee, on behalf of Hennepin County, has filed an appeal of the city planning commission's decision to deny the following variances for an existing off-site parking lot located at 1909 Columbus Avenue, which serves the detox center:

- Variance of the front yard setback along Columbus Avenue
- Variances of the north and south side yards
- Variance to reduce the minimum drive aisle width

The applicant's appeal does not seek changes to the commission's action related to the principal site at 1800 Chicago Avenue.

# **Minneapolis City Planning Department Report**

BZZ – 1279

Conditional Use Permit, Site Plan Review, Variances

**Date:** September 8, 2003

**Applicant:** Hennepin County

**Address Of Property:** 1800 Chicago Avenue; 1909 Columbus Avenue

**Date Application Deemed Complete:** June 27, 2003

**End of 60-Day Decision Period:** August 26, 2003

**End of 60-Day Decision Period:** On August 19, 2003, Planning Department staff sent a letter to the applicant extending the decision period to no later than October 25, 2003.

**Contact Person and Phone:** Joseph Buslovich, 348-2013

**Planning Staff and Phone:** Jason Wittenberg, 673-2297

**Ward:** 6      **Neighborhood Organization:** Ventura Village

**Existing Zoning:** OR3

**Overly Zoning:** None

**Proposed Use:** Expand existing hospital from 40 to 50 beds.

**Zoning Code Section Authorizing Proposed Use:** Hospitals are a conditional use in the OR3 District as noted in Table 547-1 of the zoning code.

**Site Plan Review:** Required by Table 530-1 of the zoning code

**Proposed Variances:**

- A variance to reduce the required front yard setback along Chicago Avenue from 15 feet to zero feet to allow the existing parking lot to remain.
- A variance to reduce the required front yard setback along Columbus Avenue from 15 feet to zero feet for a reconfigured parking lot on the 1800 Chicago Avenue site.
- A variance to reduce the required south side yard setback from five feet to zero feet to allow the existing parking lot to remain on the 1800 Chicago Avenue site.

- A variance to reduce the required front yard setback from 15 feet to 8 feet along Columbus Avenue to allow for a reconfigured parking lot on the 1909 Columbus Avenue site.
- A variance of the north side yard setback from five feet to 0 feet to allow the existing parking lot to remain on the 1909 Columbus Avenue site.
- A variance of the south side yard setback from five feet to 0 feet to allow the existing parking lot to remain on the 1909 Columbus Avenue site.
- A variance to reduce the minimum two-way drive aisle width from 22 feet to 11.5 feet for the parking lot on the 1909 Columbus Avenue site.

**Background:** On April 15, 2002, the Planning Commission approved zoning applications to allow Hennepin County to expand the detox center of the hospital by increasing the number of beds from 40 to 50. The applicant not complied with the approved plan and has indicated that the site plan approved by the Commission at that time does not meet the needs of the facility or of the neighborhood. In particular, the applicant is concerned about the loss of parking should they implement the approved plan. Several variances have been filed that were not part of the application approved in 2002.

The detox center has provided chemical and medical services to public inebriates for more than 30 years. The addition of ten beds does not require any physical changes to the building. According to the applicant, Hennepin County does not have plans to expand or make additional changes to the building or property over the next ten years.

The detox center operates two parking lots. One lot is located on the 1800 Chicago Avenue site. The second lot, referred to as the south parking lot, is an off-site lot located down the block at 1909 Columbus Avenue.

The Planning Department's findings have not been altered substantially from the findings prepared by Ms. Tollefson in 2002.

#### **Findings As Required By The Minneapolis Zoning Code For A Conditional Use Permit:**

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

#### **1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The subject site is adjacent to apartment complexes. The internal expansion of this facility should not result in any additional nuisances. The facility serves adults under the influence of drugs and alcohol and who are in need of evaluation and referral by trained medical staff. Services are provided as prescribed by the

Minnesota Department of Health. These include evaluation, referral, education and detoxification services. Nurses, patient care technicians, chemical dependency counselors and support staff the program. The Minnesota Department of Human Services licenses the use.

The applicant must correct the situation where parking spaces do not meet the required standards for parking spaces. The substandard parking lots are considered to be unsafe in terms of parking and the maneuvering of vehicles. The facility is subject to site plan review and therefore, the parking layout is discussed in further detail under that section of the staff report. The changes made thus far to the site by the applicant as well as the conditions of approval should correct the many, but not all, of the unsafe conditions on the site.

The facility should not be detrimental to or endanger the public health, safety and general welfare.

**2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The site is currently utilized as a hospital and is surrounded by developed property, including apartment complexes. The proposed expansion to the number of beds within the facility does not require exterior changes or additions to the building.

The facility utilizes outdoor space for activities and functions. The Psychosocial Learning Center program uses the space when working with their clients. The program works with rehabilitating individuals that have mental health issues. The space is also used for community celebrations and events. These include a community garage sale, art sale, picnics and live music to name a few.

The site is surrounded by residential and institutional uses. Due to constraints on the site, parking is located wherever it can legally be provided. There are locations on the site where parking is immediately adjacent to the surrounding residential uses. In locations, a low stone and iron wall exists.

The facility should not impede the development of permitted uses in the adjacent areas if the conditions of approval are met.

**3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

Adequate utilities currently exist. The site is larger than an acre and therefore requires a stormwater management plan. A stormwater management plan shall be reviewed and approved by the Public Works Department.

**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

Access to the hospital is from three public streets, Chicago Avenue, East 18<sup>th</sup> Street and Columbus Avenue. The entrance from Chicago Avenue to the parking area shall display an “Enter Only ~ One Way” sign due to the limited size of the drive aisle.

Access to the off-site surface parking lot is from Columbus Avenue. The Planning Department and Public Works Department have both indicated that adequate ingress and egress does not exist for the off-site parking lot. The existing curb cut from Columbus Avenue does not align with the proposed parking spaces. Public Works requires that the curb cut be realigned to provide adequate access into and out of the site.

**5. Is consistent with the applicable policies of the comprehensive plan.**

The comprehensive plan designates this area as Office Residential. Chicago Avenue is considered a Community Corridor. Relevant policies of the Comprehensive Plan include the following:

- Minneapolis will encourage both private and public development that provides gathering spaces in city neighborhoods.
- Minneapolis will address alcohol, tobacco and other substance abuse through education and counseling.
- Minneapolis will encourage public institutions to coordinate their programming and facilities in order to function as neighborhood centers.
- Minneapolis will protect and improve resident’s health by preventing disease, disability and violence.
- Minneapolis will promote opportunities and activities that allow neighborhoods and residents to get to know each other better.

**Required Findings for Major Site Plan Review**

**The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**

- A. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)**
- B. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

**Section A: Conformance with Chapter 530 of Zoning Code**

## **BUILDING PLACEMENT AND FAÇADE:**

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
  - **Residential uses shall be subject to section 530.110 (b) (1).**
  - **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

The existing structure has three wings. One of the three wings (North Wing) reinforces the street wall along East 18<sup>th</sup> Street. The remaining buildings are setback from the public street. The building is separated from Chicago Avenue by a large green space. The building is separated from Columbus Avenue by a parking lot.

The existing building façades contain windows at eye level on the first floor façades that face public streets. The exterior materials and appearance of the entire building are compatible on each façade. The principal entrance faces Chicago Avenue.

Landscaped yards are required for the proposed parking and will be addressed under the Landscaping and Screening section of this report.

## **ACCESS AND CIRCULATION**

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

The building is connected to the public sidewalks and public streets. There are pedestrian walkways around the building that lead to the parking spaces that abut the building. A proposed new walkway would connect a west entrance to the public sidewalk along Columbus Avenue. The applicant submitted a lighting plan. The lighting shall be shielded from the adjacent residential properties.

There are no transit shelters located on the site.

Pedestrian traffic and vehicular circulation are largely separated from one another. The vehicular circulation pattern on the 1909 Columbus site is inadequate and would not allow for safe and efficient maneuvering.

There are no public alleys adjacent to the site.

Locations for snow storage should be indicated on the final plan.

The applicant should explore additional opportunities for reducing impervious surfaces on the site. In particular, paved areas in required setbacks by the boiler building must be removed.

## **LANDSCAPING AND SCREENING**

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Required screening shall be at least ninety-five (95) percent opaque throughout**

the year. Screening shall be satisfied by one or a combination of the following:

- A decorative fence.
- A masonry wall.
- A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

#### General Landscaping Requirements.

According to information submitted by the applicant, the 1800 Chicago Avenue site has 71,850 square feet and buildings cover 28,470 square feet. The net site area therefore consists of 43,380 square feet. Not less than 20 percent of the net site area, equaling 8,676 square feet, must be landscaped. The applicant indicates that 12,250 square feet of the site would be landscaped, which is 28 percent of the net site area. (The applicant's figure on the landscape plan indicates that 17.05 percent of the site would be landscaped, but this refers to the gross site area.) Some of the areas of existing landscaping are largely sod. The Planning Department typically does not include large areas of sod as part of the calculations towards meeting 20% landscaping. According to the applicant the large areas of open space are utilized for various program functions and community activities. Additional trees and shrubs shall be provided in the large, open space but



located along the public street. Based on the amount of net site area, no fewer than nine trees and 44 shrubs should be provided. The 1909 Columbus Avenue site has 6,480 square feet. Twenty percent, or 1,296 square feet, should be landscaped. The applicant proposes approximately 264 square feet of landscaping, approximately four percent of the site area. Landscaping only four percent of the site would be detrimental to the neighborhood and could thwart any attempt at redeveloping adjacent property. There are mature trees in the boulevard along Columbus Avenue. It appears that the new consolidated curb cut may affect one of these trees. Any removal of trees in the public right of way must be accomplished only with the permission of the Park Board.

Staff recommends that the commission grant alternative compliance from landscaped yard requirements on the 1800 Chicago site provided existing decorative fencing is maintained and provided that new decorative fencing is installed where landscaped yards are required but not provided. A low stone wall provides a decorative buffer between some of the existing parking areas and the Chicago Avenue and the property to the south. Staff does not recommend, however, that the Commission allow a reduction of the required number of trees and shrubs to be provided. Trees should be provided in each of the three landscape areas adjacent to Columbus Avenue. Additional trees should be provided near the sidewalk along Chicago Avenue. Mechanical equipment along Columbus Avenue near the boiler must be screened as required by the zoning ordinance.

Concrete curbing must be provided for the parking lot frontage along Columbus Avenue unless a proposal for on-site stormwater retention is submitted and approved that would prevent water from draining across the public sidewalk.

The applicant would be subject to 530.190, all other areas not governed by the 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading or driving facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees. The applicant has proposed to create an enclosed area for the refuse container, which will be screened as required.

The applicant would be subject to 530.210 (planting material standards) and 530.220 (installation and maintenance of materials). According to 530.220(3), the maintenance and replacement of landscape materials shall be the responsibility of the applicant and/or property owner including the maintenance of any trees planted in the public right-of-way.

#### **ADDITIONAL STANDARDS**

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**

- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

The lighting would be subject to 535.110, 535.590, 541.340 and 541.570. There are no historically designated structures on-site.

Some headlight glare is likely to affect residential properties across Columbus Avenue (less so than the existing situation, however).

No views would be blocked.

Shadowing of public spaces or generation of wind currents would not be significant issues.

From a crime prevention standpoint, decorative fencing would allow for a certain level of access control and territorial reinforcement. Shrubs should be trimmed to no taller than three feet and tree canopies should be kept to at least six feet in height to allow for adequate sightlines.

### **Specific Development Standards**

The following standards are Specific Development Standards of Section 536.20 of the Zoning Code for hospitals:

- A master plan shall be submitted that describes proposed physical development for a period of five years and a period from five to ten years and shall include a description of proposed development phases and plans.

According to the applicant, there are no plans for additions or expansion within the next ten years (please see attached narrative development plan).

### **Section B: Conformance with Other Zoning Code Provisions/Comprehensive Plan**

The use is permitted in the zoning district. The site could be improved and come into compliance with the regulations of site plan review. The following implementation and policy statements from The Minneapolis Plan are important to understand why the site plan review standards are in place:

- Buildings should retain a traditional urban form in its siting, massing and relationship to the public streets. .

- Through various improvements, which include landscaping, building placement, windows, screening and pedestrian access points, businesses should lessen any negative impacts on the surrounding areas.

**Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

Staff is unaware of any conflict between the proposal and any development plan or objective adopted by the city council.

**Alternative Compliance. The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:**

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Staff recommends that the commission grant alternative compliance from landscaped yard requirements provided existing decorative fencing is maintained and provided that new decorative fencing is installed where landscaped yards are required but not provided.

**Findings as Required by the Minneapolis Zoning Code for a variance to reduce the front yard setback of Chicago Avenue to allow parking:**

1. **The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

*Variance to reduce front yard setback along Chicago Avenue to allow the existing parking lot to remain:* Strict adherence does not allow a balance to be struck between the demand for parking on the site and the availability of land to provide parking. The

further the number of parking spaces are reduced, the greater potential for congestion on the public street.

*Variance to reduce front yard setback along Columbus Avenue for a reconfigured parking lot on the 1800 Chicago Avenue site:* The proposed variance balances the need to provide an attractive front yard along Chicago Avenue with the parking and circulation needs of the existing facility. The placement of the existing building contributes to the proposed layout of the parking facility.

*Variance to reduce the south side yard setback to allow the existing parking lot to remain on the 1800 Chicago Avenue site:* Complying with the required south side yard setback would substantially interfere with the circulation pattern on the site. Removing parking from this setback would significantly affect the number of parking spaces on the site. Note that parallel parking spaces in this area must be increase in length to not less than 21 feet.

*Variance to reduce front yard setback along Columbus Avenue to allow for a reconfigured parking lot on the 1909 Columbus Avenue site:* While the parking lot layout on the 1800 Chicago site is constrained based on the placement of the building and historic circulation patterns, no such constraints exist on the 1909 Columbus Avenue site.

*Variance to reduce north side yard setback to allow the existing parking lot to remain on the 1909 Columbus Avenue site:* The property can be put to a reasonable use without the requested variance. While the parking lot layout on the 1800 Chicago site is constrained based the placement of the building and historic circulation patterns, no such constraints exist on the 1909 Columbus Avenue site.

*Variance to reduce south side yard setback to allow the existing parking lot to remain on the 1909 Columbus Avenue site:* The property can be put to a reasonable use without the requested variance. While the parking lot layout on the 1800 Chicago site is constrained based the placement of the building and historic circulation patterns, no such constraints exist on the 1909 Columbus Avenue site.

*Variance to reduce the minimum two-way drive aisle width on the 1909 Columbus Avenue site:* The applicant would have reasonable use of the property without the granting of the proposed variance. The proposed drive aisle would not allow sufficient space for comfortably maneuvering vehicles into and out of parking spaces without damaging other vehicles and without the need for multiple maneuvers.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

*Variance to reduce front yard setback along Chicago Avenue to allow the existing parking lot to remain:* The land available on site is limited due to the number of existing buildings and their configuration on the site.

*Variance to reduce front yard setback along Columbus Avenue for a reconfigured parking lot on the 1800 Chicago Avenue site:* The parking and circulation proposal is constrained by the unique placement of the building on a through lot with two required front yards.

*Variance to reduce the south side yard setback to allow the existing parking lot to remain on the 1800 Chicago Avenue site:* The existing site layout is unique in that the parking and circulation pattern is somewhat dependant upon having either parking spaces or a drive aisle in the south side yard setback.

*Variance to reduce front yard setback along Columbus Avenue to allow for a reconfigured parking lot on the 1909 Columbus Avenue site:* The site does not contain buildings or natural or topographic features that would constrain the location of the parking facility.

*Variance to reduce north side yard setback to allow the existing parking lot to remain on the 1909 Columbus Avenue site:* Staff has not identified any unique features that would justify the granting of a variance. The site plan previously approved by the Commission appears to be reasonable provided that impervious surfaces are removed from the setback areas and the curb cut is appropriately aligned with the drive aisle.

*Variance to reduce south side yard setback to allow the existing parking lot to remain on the 1909 Columbus Avenue site:* Staff has not identified any unique features that would justify the granting of a variance. The site plan previously approved by the Commission appears to be reasonable provided that impervious surfaces are removed from the setback areas and the curb cut is appropriately aligned with the drive aisle.

*Variance to reduce the minimum two-way drive aisle width on the 1909 Columbus Avenue site:* No unique factors have been identified that would justify such a substantial variance of the required drive aisle.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

*Variance to reduce front yard setback along Chicago Avenue to allow the existing parking lot to remain:* The changes necessary to the parking lot and proposed by the applicant are in keeping with the intent of the ordinance. The changes will allow for safe operation of the lot. The addition of a tree along Chicago Avenue where the parking is located in addition to the existing stone and iron wall meets the ordinance intent to provide landscaping and screening along the public street.

*Variance to reduce front yard setback along Columbus Avenue for a reconfigured parking lot on the 1800 Chicago Avenue site:* The intent of the zoning code will be met if the entire parking lot frontage along Columbus Avenue includes either a decorative fence or a landscaped area at least five feet in width.

*Variance to reduce the south side yard setback to allow the existing parking lot to remain on the 1800 Chicago Avenue site:* Staff believes that the intent of the zoning code would be met provided that a decorative wall or fence is maintained between the parking lot and the property to the south.

*Variance to reduce front yard setback along Columbus Avenue to allow for a reconfigured parking lot on the 1909 Columbus Avenue site:* Although an exemplary landscape and screening plan may mitigate the requested variance, the principal use parking lot contains relatively little landscaping. Granting the requested variance would conflict with providing a sufficient amount of landscaping on the site. As proposed, approximately four percent of the site would be landscaped—well short of the 20 percent called for by the zoning ordinance.

*Variance to reduce north side yard setback to allow the existing parking lot to remain on the 1909 Columbus Avenue site:* Allowing parking up to the side lot lines would not meet the intent of the ordinance aesthetically or in terms of preventing drainage onto adjacent properties or preventing the nuisance of having vehicles parked up to a shared interior lot line in an office-residence setting.

*Variance to reduce south side yard setback to allow the existing parking lot to remain on the 1909 Columbus Avenue site:* Allowing parking up to the side lot lines would not meet the intent of the ordinance aesthetically or in terms of preventing drainage onto adjacent properties or preventing the nuisance of having vehicles parked up to a shared interior lot line in an office-residence setting.

*Variance to reduce the minimum two-way drive aisle width on the 1909 Columbus Avenue site:* The ordinance is intended to allow safe and efficient maneuvering into and out of parking spaces. The proposed layout would not meet the intent of the regulation, particularly since the reduced drive aisle would be adjacent to spaces that are compact in terms of their length.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

*Variance to reduce front yard setback along Chicago Avenue to allow the existing parking lot to remain:* The loss of additional two spaces could further impact the potential for congestion on the public street.

*Variance to reduce front yard setback along Columbus Avenue for a reconfigured parking lot on the 1800 Chicago Avenue site:* Staff does not anticipate that granting the variance would be detrimental to public safety provided that any fencing along Columbus Avenue should also prevent vehicles front driving onto the public sidewalk.

*Variance to reduce the south side yard setback to allow the existing parking lot to remain on the 1800 Chicago Avenue site:* Reducing the south side yard would not increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety provided the parallel parking spaces are increased to a size that is required to comfortably maneuver into and out of spaces. Parking has existed in the area for an undisclosed number of years.

*Variance to reduce front yard setback along Columbus Avenue to allow for a reconfigured parking lot on the 1909 Columbus Avenue site:* Granting the front yard variance would be unlikely to affect public safety since a barrier would prevent vehicles from crossing the public sidewalk outside the curb cut. The Public Works Department has noted that the curb cut must align with the drive aisle.

*Variance to reduce north side yard setback to allow the existing parking lot to remain on the 1909 Columbus Avenue site:* Granting the proposed variance may be detrimental visually and may allow water to drain from the parking lot onto an adjacent property, but public welfare would not be seriously compromised.

*Variance to reduce south side yard setback to allow the existing parking lot to remain on the 1909 Columbus Avenue site:* Granting the proposed variance may be detrimental visually and may allow water to drain from the parking lot onto an adjacent property, but public welfare would not be seriously compromised.

*Variance to reduce the minimum two-way drive aisle width on the 1909 Columbus Avenue site:* Public safety is compromised when drivers are forced to make multiple maneuvers to get a vehicle into or out of a parking space.

**Recommendation of the Minneapolis City Planning Department for the Conditional Use Permit:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit for the expansion of the detox center, subject to the following conditions:

1. All off-street parking spaces shall meet the minimum dimensions required by Chapter 541 of the zoning code.

**Recommendation of the City Planning Department for the Site Plan Review Application:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the site plan review subject to the following condition(s):

1. The site shall comply with the minimum number of trees and shrubs required by section 530.150 of the zoning code.
2. Twenty (20) percent of the 1909 Columbus Avenue site shall be landscaped as required by section 530.150 of the zoning code.
3. The applicant shall obtain permission from Park Board staff for any removal of trees from the public right of way.
4. The chain link and concrete block screen wall in the 1909 Columbus Avenue parking lot shall be removed.
5. The bollards and chains along Columbus Avenue shall be removed and replaced by the required landscaping, screening, or decorative fencing. The Planning Department shall review all proposed fencing.
6. Refuse containers shall be screened as required by section 535.80 of the zoning code.
7. The Planning Department shall review and approve the final site and landscaping plans prior to the issuance of any permits. The final site plan shall reflect accurate property dimensions.
8. All site improvements shall be completed by September 8, 2004, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**Recommendation of the City Planning Department for the Variance Application Along Chicago Avenue:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** a variance to reduce the required front yard setback along Chicago Avenue from 15 feet to zero feet to allow the existing parking lot to remain.

1. One tree shall be planted within the 15-foot setback to assist in screening the vehicles from the public street.

**Recommendation of the City Planning Department for the Variance Application Along Columbus Avenue (1800 Chicago Site):**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** a variance to reduce the required front yard setback along Columbus Avenue from 15 feet to zero feet for a reconfigured parking lot on the 1800 Chicago Avenue site.

**Recommendation of the City Planning Department for the Variance Application to Reduce the South Side Yard (1800 Chicago Site):**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** a variance to reduce the required south side yard setback



from five feet to zero feet to allow the existing parking lot to remain on the 1800 Chicago Avenue site, subject to the following condition:

1. A decorative wall or fence shall be maintained between the parking lot and the property to the south.

**Recommendation of the City Planning Department for the Variance Application to Reduce the Front Yard (1909 Columbus Site):**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **deny** a variance to reduce the required front yard setback from 15 feet to eight feet along Columbus Avenue to allow for a reconfigured parking lot on the 1909 Columbus Avenue site.

**Recommendation of the City Planning Department for the Variance Application to Reduce the North Side Yard (1909 Columbus Site):**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **deny** a variance of the north side yard setback from five feet to zero feet to allow the existing parking lot to remain on the 1909 Columbus Avenue site.

**Recommendation of the City Planning Department for the Variance Application to Reduce the South Side Yard (1909 Columbus Site):**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **deny** a variance of the south side yard setback from five feet to zero feet to allow the existing parking lot to remain on the 1909 Columbus Avenue site.

**Recommendation of the City Planning Department for the Variance Application to Reduce the Minimum Drive Aisle Width (1909 Columbus Site):**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **deny** a variance to reduce the minimum two-way drive aisle width from 22 feet to 11.5 feet for the parking lot on the 1909 Columbus Avenue site.

**Excerpt from the  
Monday, September 8, 2003  
CITY PLANNING COMMISSION  
MINUTES  
317 City Hall  
Minneapolis, MN 55415  
4:30 p.m.**

**18. Hennepin County (BZZ-1279, Ward 6)**

**1800 Chicago Avenue & 1909 Columbus Avenue** (Jason Wittenberg) *This item was continued from the August 18, 2003 meeting.*

**A. Conditional Use Permit**

Application by Hennepin County for a conditional use permit for the expansion of the detox center at 1800 Chicago Avenue & 1909 Columbus Avenue.

**Motion:** The City Planning Commission adopted the findings and **approved** the conditional use permit for the expansion of the detox center at 1800 Chicago Avenue & 1909 Columbus, subject to the following conditions:

1. All off-street parking spaces shall meet the minimum dimensions required by Chapter 541 of the zoning code.

**B. Major Site Plan Review**

Application by Hennepin County for a major site plan review to expand an existing hospital at 1800 Chicago Avenue & 1909 Columbus Avenue as required by Table 530-1 of the zoning code.

**Motion:** The City Planning Commission adopted the findings and **approved** the site plan review at 1800 Chicago Avenue & 1909 Columbus Avenue subject to the following condition(s):

9. The site shall comply with the minimum number of trees and shrubs required by section 530.150 of the zoning code.
10. Twenty (20) percent of the 1909 Columbus Avenue site shall be landscaped as required by section 530.150 of the zoning code.
11. The applicant shall obtain permission from Park Board staff for any removal of trees from the public right of way.
12. The chain link and concrete block screen wall in the 1909 Columbus Avenue parking lot shall be removed.
13. The bollards and chains along Columbus Avenue shall be removed and replaced by the required landscaping, screening, or decorative fencing. The Planning Department shall review all proposed fencing.
14. Refuse containers shall be screened as required by section 535.80 of the zoning code.

15. The Planning Department shall review and approve the final site and landscaping plans prior to the issuance of any permits. The final site plan shall reflect accurate property dimensions.
16. All site improvements shall be completed by September 8, 2004, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**C. Variance**

Application by Hennepin County for a variance to reduce the required front yard setback along Chicago Avenue from 15 feet to zero feet to allow the existing parking lot to remain at 1800 Chicago Avenue.

**Motion:** The City Planning Commission adopted the findings and **approved** a variance to reduce the required front yard setback along Chicago Avenue from 15 feet to zero feet to allow the existing parking lot to remain.

2. One tree shall be planted within the 15-foot setback to assist in screening the vehicles from the public street.

**D. Variance**

Application by Hennepin County for a variance to reduce the required front yard setback along Columbus Avenue from 15 feet to zero feet for a reconfigured parking lot on the 1800 Chicago Avenue site.

**Motion:** The City Planning Commission adopted the findings and **approved** a variance to reduce the required front yard setback along Columbus Avenue from 15 feet to zero feet for a reconfigured parking lot on the 1800 Chicago Avenue site.

**E. Variance**

Application by Hennepin County for a variance to reduce the required south side yard setback from five feet to zero feet to allow the existing parking lot to remain on the 1800 Chicago Avenue site.

**Motion:** The City Planning Commission adopted the findings and **approved** a variance to reduce the required south side yard setback from five feet to zero feet to allow the existing parking lot to remain on the 1800 Chicago Avenue site, subject to the following condition:

1. A decorative wall or fence shall be maintained between the parking lot and the property to the south.

**F. Variance**

**Application by Hennepin County for a variance to reduce the required front yard setback from 15 feet to eight feet along Columbus Avenue to allow for a reconfigured parking lot on the 1909 Columbus Avenue site.**

**Motion:** The City Planning Commission adopted the findings and **denied** a variance to reduce the required front yard setback from 15 feet to eight feet along Columbus Avenue to allow for a reconfigured parking lot on the 1909 Columbus Avenue site.

**G. Variance**

**Application by Hennepin County for a variance of the north side yard setback from five feet to zero feet to allow the existing parking lot to remain on the 1909 Columbus Avenue site.**

**Motion:** The City Planning Commission adopted the findings and denied a variance of the north side yard setback from five feet to zero feet to allow the existing parking lot to remain on the 1909 Columbus Avenue site.

**H. Variance**

Application by Hennepin County for a variance of the south side yard setback from five feet to zero feet to allow the existing parking lot to remain on the 1909 Columbus Avenue site.

**Motion:** The City Planning Commission adopted the findings and denied a variance of the south side yard setback from five feet to zero feet to allow the existing parking lot to remain on the 1909 Columbus Avenue site.

**I. Variance**

Application by Hennepin County for a variance to reduce the minimum two-way drive aisle width from 22 feet to 11.5 feet for the parking lot on the 1909 Columbus Avenue site.

**Motion:** The City Planning Commission adopted the findings and denied a variance to reduce the minimum two-way drive aisle width from 22 feet to 11.5 feet for the parking lot on the 1909 Columbus Avenue site.

Staff: This is an application filed by Hennepin County. In April of 2002, the Planning Commission approved zoning applications to allow Hennepin County to expand the detox center at 1800 Chicago Avenue by increasing the number of beds from 40 to 50. The actual size of the building itself did not change and is not proposed to change at this time. The applicant has not complied with the site plan approved by the Planning Commission at that time. They assert that the site plan approved at that time doesn't meet their needs, nor the needs of the applicant by eliminating a lot of off-street parking that currently exists, but is substandard in terms of many of the sizes of the parking spaces and the drive aisles. I think I can go through the report relatively quickly. Miss Tollefson's findings haven't been altered substantially from when she looked at the site plan review in 2002. Due primarily to the altered parking lot, there are some additional variances from that time. Staff is essentially agreeing with most, if not all, of the applicant's proposal on the 1800 Chicago site. There will have to be several changes, for example the parallel parking stalls along the one-way drive at the South end of the site are, I believe, 16 feet in length at this point and parallel stalls require a minimum length of 21 feet, so there's no authorized variance to reduce the size of actual parking spaces. Currently this is all paved essentially up to the sidewalk with some bollards and chains. The applicant does propose some landscaped islands as well as some decorative fencing along Columbus Avenue. The applicant also is proposing a pretty significant reorganization of the parking lot which would make for a much more efficient parking layout than currently exists on this site and they would also be bringing in a new public sidewalk connection between the public sidewalk along Columbus Avenue to an entrance of the facility.

Where staff is not in agreement with the applicant's proposals is primarily along Columbus Avenue on their off-site parking lot. Just to give you some context, this is all zoned OR-3, this is the primary site at 1800 Chicago. The off-site parking lot is in this location at 1909 separated by what appears to be two properties along Columbus Avenue.

This is essentially the site plan that was approved by the Commission in 2002. It preserves the side yard setbacks and would also require, I believe, elimination of the chain link fence that surrounds this site, as well as the existing concrete block wall on the North end. It's not exactly clear to me why this was still

shown as being paved. I don't recall if Ms. Tollefson's report addressed that. It seems that there is not much point of maintaining a setback if in fact that area is going to be paved. The applicant's current proposal is to keep the parking in the side yard setbacks North and South-that does require a variance. They are proposing some new landscaping, an 8-foot wide landscaped strip along Columbus Avenue, I think parking would extend into the front yard setback along Columbus. Essentially, the applicant is proposing 4% landscaping on the off-site lots and a parking lot that really doesn't come close in terms of maneuverability. To partially make up for that, the applicant is proposing or has some stalls that are wider than required to allow for a little bit better maneuverability, but the Public Works Department and the Planning Department have both expressed concern about the workability of this parking lot. So staff is recommending denial of the setback variances on the off-site parking lot at 1909 Columbus.

Commissioner Schiff: Mr. Wittenberg, do you have a copy of a staff suggested site plan review?

Staff Wittenberg: Of this off-site lot in particular?

Commissioner Schiff: The whole site, what it would look like with the approved setbacks that you're suggesting.

Staff Wittenberg: The 1800 Chicago site we are essentially recommending approval of all the variances, so we are more or less accepting their site plan provided they incorporate the required number of trees and shrubs. I believe that the plan approved by the Planning Commission in 2002 is essentially a workable plan provided that an actual setback is provided there rather than just setting back the parking spaces themselves and leaving the pavement.

Commissioner Schiff: So what's that dispute, is it strictly landscaping at the bottom?

Staff Wittenberg: As well as the parking extending into this front yard setback. That's correct.

Commissioner Young: I wanted on number 3 to know how many trees-one of the things that I recall is that these are some pretty old trees here. Very large canopies. Do your pictures show which of the trees are coming down and where they plan on replacing them?

Staff Wittenberg: Commissioner Young, I believe you're referring to the boulevard tree along Columbus. My understanding is that from visiting the site (and the applicant can correct me if I'm wrong) is that the new consolidated curb cut along Columbus Avenue could displace a boulevard tree and this was the previous plan that was approved and I believe this tree here [shows picture] would be affected by that consolidated curb cut.

Commissioner Young: That's a pretty big tree to go down.

Staff Wittenberg: I have conditioned that upon approval of the Park Board staff.

Commission President Martin: This is a public hearing. Who would like to speak to item number 18?

Mark Lee: Madame Chair and Commissioners, my name is Mark Lee and I'm with the Hennepin County Property Services Department. As Jason recaptured, this is our second time here for approval and our motivation comes out of what we learned in our first application. As we completed the approval process and heard more from the community and from Hennepin County employees, there was a concern about the number of parking spaces that were being eliminated in the site plan. More than 30 spaces. This would put 30 cars out on City streets competing for parking and that was a concern, both County staff and neighborhood residents. We decided that we would take another look at our site plan, working with City staff I think we came up with an excellent plan for 1800 Chicago. We've recovered a significant number of parking places and I think it's a more attractive plan and we're excited about moving forward on 1800 Chicago site. We would not want to argue that the plan for 1909 Columbus is an attractive plan or necessarily a well engineered plan, but again in hearing from the community and we did meet with the Ventura Village group. In their August meeting they supported Hennepin County's plan at 1800 Chicago

and they also endorsed the idea of Hennepin County seeking to maximize the number of spaces at 1909 Columbus Avenue. And that's the plan that's in front of you. Again, it doesn't do a very good job of complying with zoning standards, but it actually allows Hennepin County to operate that parking lot as it's being operated today. There would be improved landscaping there, but having cars parked to both sides of that lot is actually the way it's being operated today. We appreciate the staff's recommendation of support on the 1800 Chicago site and we can't really argue with their observations about the 1909 site, but we request that the Planning Commission consider approving our variance request so we can meet the neighborhood's concerns about the competition for on street parking and also provide a place for County employees who are familiar with the mechanisms of how to maneuver in that space.

President Martin: Others who wish to speak to item 18? I'm going to close the public hearing.

Commissioner Schiff: I'll move staff recommendations for the 1800 Chicago site.

President Martin: OK, that's the CUP and the site plan, and the variance, and the variance, and the variance - 3 variances, site plan and conditional use permit (LaShomb seconded). OK, that's A, B, C, D and E.

The motion carried 7-0.

Commissioner Young: Well for the purpose of debate, I'll move the denial of F, G, H and I (Krueger seconded).

Commissioner Schiff: Jason, can you clarify once more-what percentage landscaping are they complying with on Columbus Avenue?

Staff Wittenberg: 4%.

Commissioner Schiff: And what are you asking them to comply with and what are they currently complying with?

Staff Wittenberg: I calculated that this proposal is approximately 4% and I was recommending that they comply with the 20% landscaping of that site.

Commissioner LaShomb: Well, clearly I'm going to support my County. Or there'll be some new face sitting here, which may happen anyway-who knows? My kind of reaction if I were being totally objective is that this is an area that does have a lot of activity, it's an area that has a lot of parking requirements and it's an area where sad to say, security is an issue, so my feeling is that I think there is some logic to giving the County the opportunity to use the space for additional parking simply because that will get parking off the streets that will allow others to park there, that it'll create a higher level of security for County employees. I don't like sacrificing green space, and I don't like to see things jammed in as a rule, but I think sometimes you don't have a lot of choice.

Commissioner MacKenzie: It seems to me that the 2002 plan, I'm looking at the calculations that were in our packet, and that had a landscaped area of 18%. And this current plan is proposing 4%. And the current plan that's proposed is doing nothing to soften the chain link fence and vacant lot and bituminous surfaces around it, so it seems to me like we could find some place in the middle between 5% and 18% to make this a little easier on the living experience of being on Columbus Avenue.

Commissioner Young: With that big tree gone, it's really going to make a difference.

Commissioner Hohmann: I just think it also sends a poor message to the other various segments of the community that come before us looking for variances on parking and landscape requirements to go with what is proposed here.

Commissioner Schiff: Just a question for staff or Mr. Anderson-if this is denied, then do the previous approvals still stand that Commissioner MacKenzie just referred to or have those expired?

Staff Anderson: Commissioner Schiff, any variances that were approved previously would remain. If these are new variances that they are applying for and they are denied then the previous variances would remain. It stays with the property.

Commissioner Krause: If they were conditioned on certain kind of site improvements, and those site improvements hadn't been made within the time frame set out in our action, then wouldn't it expire?

Staff Wittenberg: Commissioner Krause, my understanding is that the Inspections Department has suspended enforcement on this and essentially given them more time to comply with the previous approvals, so I guess that point could be debated either way.

Commissioner LaShomb: Jason, how many cars would we be pushing out into the street if we agreed to these?

Staff Wittenberg: 12.

President Martin: So the motion before us is to approve the staff recommendation for the last four variances dealing with the Columbus Avenue site and deny them. All in favor of that motion, please signify by saying aye.

The motion carried 6-1.